IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

MONDAY, THE TWENTY SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO: 13661 of 2005

Between:

Leburu Ramachandra Reddy, S/o.Anna Reddy,
Kodurupadu Village, Nellore Rural Mandal, Nellore district.

..... PETITIONER

A N D

1 The Government of A.P, Rep by its Prl.Secretary, Revenue

Department, Secretariat, Hyderabad.
2 The District Collector, Nellore District, Nellore.
3 The Mandal Revenue Officer, Nellore Mandal, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a appropriate writ, order or direction, more particularly one in the nature of writ of mandamus, declaring the action of the 3rd respondent in issuing notice dt.29-04-2005 under section 7 of the A.P Land Encroachment Act, calling upon the petitioner to show cause as to why he should not be evicted from an extent of Ac.1.05 cents of land in Sy.No.448/1A and 448/1B of Kodurupadu Village, Nellore Rural Mandal, Nellore district and the further action of the respondents in not taking any action in regularising petitioner's possession over the land in question by accepting reasonable market value as requested by him in the representation to the notice under section 7 of the Act, as arbitrary illegal, unjust, violative of the fundamental right guaranteed to him under Article 14 of the Constitution of India and consequently direct the respondents to regularise the land in favour of the petitioner by accepting reasonable market value.

Counsel for the Petitioner: MR.S.SRINIVAS REDDY
Counsel for the Respondents: GP FOR REVENUE

*The Court at the stage of admission made the following***:** (order follows 2nd page)

O R D E R :

This writ petition is filed to declare the action of the third respondent in issuing notice dated 29-4-2005 under section 7 of theAP Land Encroachment Act calling upon him to show cause as to why he should not be evicted from an extent of Ac:1-05 cents of land situate in sy.no.448/1A of Kodurupadu village of Nellore Rural Mandal, Nellore district and further the action of the respondents in not taking any action in regularizing the petitioner's possession over the land in question by accepting reasonable market value as requested by him in the representation to the notice under section 7 of the Act, as arbitrary, illegal, unjust, violative of the Fundamental Right guaranteed to him under Article 14 of the Constitution of India and consequently direct the respondents to regularize the land in his favour by accepting reasonable market value.

The petitioner submits that about 30 years back, he occupied an extent of Ac:0-31 cents of land in sy.no.448/1A and Ac:0-74 cents of land in sy.no.448/1B in Kodurupadu village, Nellore Rural Mandal of Nellore district. Thereafter, he raised a thatched hut in the said land and later on constructed an RCC house, pursuant to the resolution dated 15-3-1991 of Kodurupadu Gram Panchayat. He further submits that adjacent to the said land, there are several others who have occupied the same and constructed houses about 30 years back.

While things stood thus, the third respondent issued the above notice calling upon him to submit his explanation on or before 15-5-2005 as to why he should not be evicted from the land in question. But no such notice is issued to other persons who are similarly in occupation of the lands adjacent to his land. Pursuant to the said notice, he has submitted a representation on 10-5-2005 but the third respondent has not passed any order till date. In similar circumstances, the Government has regularized the title and possession of the persons who are in occupation of its land by accepting reasonable market value. The subordinates of the third respondent on regular basis are threatening him to vacate the premises or else he will be evicted forcefully and further threatening to demolish the structure raised in the said land. Therefore, the petitioner filed the present writ petition.

On hearing the learned counsel for the petitioner as well as the Government Pleader for Revenue, without going into the merits or otherwise, I deem it appropriate to direct the third respondent to consider and dispose of the representation submitted by the petitioner on 10-5-2005 within four weeks from the date of receipt of a copy of this order, on merits and in accordance with law after affording reasonable opportunity of hearing the petitioner's grievance. Till such time, the petitioner shall not be evicted from the said land.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

JUNE 27th, 2005. ----------

I S L. ELIPE DHARMA RAO, J

To

1 The Prl.Secretary, Government of A.P, Revenue

Department, Secretariat, Hyderabad.
2 The District Collector, Nellore District, Nellore.
3 The Mandal Revenue Officer, Nellore Mandal, Nellore District.

4 1 CC to MR.SRINIVAS REDDY

5 One CC to Govt.Pleader for Revenue, High Court Buildings,

High Court of AP Hyderabad (OUT).

6 Two CD Copies.